

Anno Regni CAROLI II.

REGIS

Anglia, Scotia, Francia, & Hibernia

Hib. 7. 678. 1

TRICESIMO

At the Parliament begun at Westminster the eighth of May, Anno Dom. 1660
in the Thirtieth Year of the Reign of our Sovereign Lord CHARLES, by the
Grace of God, of England, Scotland, France and Ireland King, Defender of the
Faith &c.

And by several Prorogations and Adjournments there continued to the 30th. day of Nov-
ber in the 30th. Year of his Majesties Reign, on which day the following Act passed the Ro-
yal Assent.



DUBLIN Reprinted by Benjamin Took, Printer to the King's most
Excellent Majesty; and are to be sold by Mary Crook at His Majesty's
Printing-House in Skinner Row, 1678.

CAROL
VI

TRIGESIMO

At the Parliament begun at Westminster the eighth of May, Anno Domini 186
 In the Thirtieth Year of the Reign of our Sovereign Lord CHARLES the First
 Great of God, of England, Scotland, France and Ireland King, Defender of the
 Faith &c.

And by several Proclamations and Advertisements it was commanded to the said day of May
 to be in the said Year of his Majesty's Reign, that within the following day the said day of May
 at West.

07-1426



Printed in London by Henry Baskett, Printer to the King, and
 by Henry Baskett, and are to be sold by Henry Baskett, and
 by Henry Baskett in Queen's Street, 1678.

ANNO XXX Caroli II Regis,

An Act for the more effectual preserving the Kings Person and Government by disabling Papists from Sitting in either House of Parliament.



Inasmuch as divers good Laws have been made for preventing the Increase and danger of Popery in this Kingdom, which have not had the desired Effects, by reason of the free access which popish Recusants have had to his Majesties Court, and by reason of the Liberty which of late some of the Recusants have had and taken to Sit and Vote in Parliament.

Wherefore, and for the safety of His Majesties Royal Person and Government, Be it Enacted by the Kings most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons in this present Parliament Assembled, and by the Authority of the same, That from and after the first day of December, which shall be in the year of our Lord God 1678. no person that now is, or hereafter shall be a Peer of this Realm, or Member of the House of Peers, shall Vote, or make his proxy in the House of Peers, or Sit there during any Debate in the said House of Peers: Nor any person that now is, or hereafter shall be a Member of the House of Commons, shall Vote in the House of Commons, or Sit there during any Debate in the said House of Commons after their Speaker is chosen. until such Peer or Member shall from time to time respectively, and in manner following, first take the several Oaths of Allegiance and Supremacy, and make, subscribe, and audibly repeat this Declaration following.

I A. B. do Solemnly and Sincerely in the presence of God, Profess, Testifie, and Declare, That I do believe that in the Sacrament of the Lords Supper, there is no any Transubstantiation of the Elements of Bread and Wine, into the Body and Blood of Christ, at or after the Consecration thereof, by any person whatsoever: And that the Invocation, or Adoration of the Virgin Mary, or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of Rome, are Superstitious and Idolatrous And I do Solemnly in the presence of God, Profess, Testifie, and Declare, That

make this Declaration, and every part thereof, in the plain and Ordinary sence the Words read unto me, as they are commonly understood by *English* Protestants, without any Evasion, Equivocation, or Mental Reservation whatsoever, and without any Dispensation already granted me for this purpose by the Pope, or any other Authority or Person whatsoever, or without any hope of any such Dispensation from any Person or Authority whatsoever, or without thinking that I am, or can be Acquitted before God or Man, or Absolved of this Declaration, or any part thereof, although the Pope, or any other person or persons, or power whatsoever, should Dispencc with, or Annul the same, or Declare that it was Null and Void from the beginning.

Which said Oaths and Declaration shall be in this and every succeeding Parliament solemnly and publickly Made & Subscribed betwixt the hours Nine in the Morning and Four in the Afternoon, by every such Peer and Member of the House of Peers, at the Table in the middle of the said House before he take his Place in the said House of Peers, and whilst a full House of Peers is there with their Speaker in his Place; and by every such Member of the House of Commons, at the Table in the middle of the said House, whilst a full House of Commons is there duely Sitting with their Speaker in his Chair; and that the same be done in either House in such like order & method, as each House is called over by respectively.

And be it further Enacted, That from and after the said first day of December, every Peer of this Realm, and Member of the House of Peers, and every Peer of the Kingdom of Scotland, or of the Kingdom of Ireland, being of the Age of One and twenty years or upwards, not having taken the said Oaths, and made and Subscribed the said Declaration; and every member of the said house of Commons, not having as aforesaid Taken the said Oaths, and Made and Subscribed the said Declaration; and every person now, or hereafter Convicted of Popish Recusancy, who hereafter shall at any time after the said first day of December, come advisedly into, or remain in the presence of the Kings Majesty, or Queens Majesty, or shall come into the Court or House where they or any of them reside, as well during the Reign of His present Majesty (whose Life God long preserve) as during the Reigns of any His Royal Successors Kings or Queens of England, shall incur and suffer all the pains, penalties, forfeitures and disabilities in this Act mentioned or contained, unless such Peer, Member, or Person so Convicted, do respectively in the next Term after such his coming or remaining

maining, Take the said Oaths, and Make and Subscribe the said Declaration in His Majesties High Court of Chancery, between the hours of Nine and Twelve in the Forenoon.

And be it further Enacted by the Authority aforesaid, That if any Person that now is, or hereafter shall be a Peer of this Realm, or Member of the House of Peers, or Member of the House of Commons, shall presume to do any thing contrary to this Act, or shall offend in any of the Cases aforesaid, That then every such Peer and Member so offending, shall from thenceforth be deemed and adjudged a Popish Recusant Convict to all intents and purposes whatsoever, and shall forfeit and suffer as a Popish Recusant Convict, and shall be disabled to hold or execute any Office or Place of Profit or Trust, Civil or Military, in any of His Majesties Realms of England or Ireland Dominion of Wales, or Town of Berwick upon Tweed, or in any of His Majesties Islands or Foreign Plantations to the said Realm belonging: and shall be disabled from thenceforth to Sit, or Vote in either House of Parliament, or make a Proxy in the House of Peers, or to Sue or Use an Action, Bill, Plaint or Information in course of Law, or to prosecute any Suit in any Court of Equity, or to be Guardian of any Child, or Executor, or Administrator of any person, or capable of any Legacy or Beneficial Gift: and shall forfeit for every wilful Offence against this Act, the sum of five hundred pounds, to be recovered and received by him or them that shall Sue for the same: and to be prosecuted by any Action of Debt, Suit, Bill, Plaint or Information in any of His Majesties Courts at Westminster where no Gloin, Protection or Wager of Law shall lie.

And be it further Enacted by the Authority aforesaid, That from the said First Day of December, it shall and may be lawful to and for the House of Peers, and House of Commons, or either of them respectively as often as they or either of them shall see occasion, either in this present Parliament, or any other hereafter to be holden, to Order and Cause all or any of the Members of their respective Houses of Parliament, openly in their respective Houses of Parliament, to Take the said Oath and to Make and Subscribe the said Declaration at such times, and in such manner as they shall appoint. And if any Peer shall contrary to such Order made by their said House, wilfully presume to Sit there without Taking the said Oaths, and Subscribing the said Declaration according to the said Order, Every such Peer or Member of the Hou

Peers, so presuming to Sit, shall be adjudged, and is hereby declared to be incapable and disabled in Law to all intents and purposes whatsoever, to sit in the said house of Peers, and give any voice therein, either by voice, or otherwise howsoever, during that parliament And if any member or members of the house of Commons, shall contrary to such Order made by their house, willfully presume to sit therein, without taking the said Oaths, and making and subscribing the said Declaration, every such member or members of the house of Commons, so presuming to Sit, shall be adjudged, and is hereby declared to be incapable, and disabled in Law, to all intents and purposes whatsoever, to Sit in the said House of Commons, or give any Voice therein during that Parliament.

And be it Enacted, That in every case where any Member or Members of the House of Commons shall by virtue of this Act be disabled to Sit or Vote in the House of Commons, Then, and in every such case, without any further conviction, or other proceeding against such Member or Members, the place or places for which they or any of them were elected, is hereby declared Void, and a new writ or writs shall Issue out of the High Court of Chancery by Warrant or Warrants from the Speaker of the House of Commons for the time being, and by Order of the said House, for the Election of a new Member or Members to serve in the House of Commons in the place or places of such Member or Members so disabled, to all intents and purposes, as if such Member or Members were naturally dead. And be it further Enacted by the Authority aforesaid, That from and after the first day of December, 1678, every person then being, and who at that time shall be a sworn Servant to the Kings or Queens Majesties not having before that time duly Taken the Oaths, and made and subscribed the Declaration contained in an Act Entituled, An Act for preventing Dangers which may happen from Popish Recusants, shall take the said Oaths, and make and subscribe the Declaration before expressed, in His Majesties High Court of Chancery, in the manner aforesaid, either in the next Term after the said first day of December, or in the next Term after such person shall be so sworn a Servant, or in case of lawful Impediment by sickness, proved upon Oath, and allowed to be such, under the hand of the Lord Chancellor, or Lord Keeper for the time being, then in the next Term after such Impediment removed: And if any such person shall refuse or neglect to do the same, and yet after such refusal or neglect, shall

shall advisedly come into, or remain in the presence of the King or Queen Majesty, or shall come into the Court or House where they or any of them reside, as well during the Reign of His present Majesty, as during the Reigns of His and their Royal Successors, Kings or Queens of England, and every of them, Every such Person shall be disabled to hold any Place as such Sworn Servant, and shall incur and suffer all the Pains, Penalties, Forfeitures and Disabilities in this Act mentioned or contained.

Provided, that nothing in this Act shall relate to, or have any effect upon any person being a Natural born Subject of the King of Portugal who now is, or hereafter shall be a Sworn Servant to the Queens Majesty not exceeding Nine in number at any one time; nor to such Women-Servants as Her Majesty shall under Her Hand and Seal from time to time for that purpose be pleased to nominate, the said Women-Servants so nominated, not exceeding the number of Nine at any one time.

And be it Enacted, That during the time of Taking of the said Oaths and making and subscribing the said Declaration, All other matters and proceedings, as well in the said Houses of Parliament, as in the said Court shall cease: And the said Oaths, Declaration, and Subscription, together with a schedule of the Names of the persons who shall by virtue of this Act Take and subscribe the same, shall be made, entered, and filed in Parchment Rolls from time to time, duly provided for that purpose by the Clerk of the House of Lords, and the Clerk of the House of Commons, and by the Clerk of the Petty-bag in Chancery, for the several and respective uses as aforesaid; and none of the Peers or Members shall give or pay any Fee or Reward to any such Clerk, above the sum of Twelve pence for the Entry of his taking the said Oaths, and Making and Subscribing the said Declaration: All which Rolls respectively the said Clerks are hereby required from time to time, without any Fee or Reward, to shew to any person desiring to look upon the same: And the said House of Peers, and House of Commons, and Court of Chancery, are hereby severally impowered and required in the first place, all other Business laid aside, to administer the said Oaths, Declaration, and Subscription respectively, as occasions shall be from time to time, to all and every the person and persons aforesaid, duly demanding the same according to the directions, purport, and meaning of this present Act.

Provided always, that this Act, nor any thing herein contained, shall ex-

end to the prejudice of any person for comming into, or remaining in the presence of the King or Queens Majesty, who shall first have License so to do, by any Warrant under the Hands and seals of six or more Privy Counsellors, by Order of His Majesties Privy Council, upon some urgent occasion therein to be expressed, so as such License exceed not the space of ten dayes and that the said license be first filed & put upon Record in the Office of the Petty-bag in Chancery, for any body to view without fee or Reward, and no person be Licensed for above the number of Thirty dayes in any one year.

Provided nevertheless, that if any Offender contrary to this Act, shall at any time after such Offence Take the said Oaths, and Make and subscribe the said Declaration in His Majesties High Court of Chancery, and in the manner aforesaid, every such person shall be from thence forth freed and discharged of and from all Seizures, Penalties, and Losses which he might otherwise sustain or bear for or by reason of being a Popish Recusant convicted by vertue of this Act; and shall be freed and discharged from all disabilities and incapacities incurred thereby, so as such freedom and discharge extend not to restore any such person to any Office or place filled and supplied upon voidance by this Act, nor to any other Office, till after the expiration of One year, from the taking the said Oath and Making the Declaration aforesaid, nor to make void, or at any time discharge the said Forfeiture of five hundred pounds incurred as aforesaid.

Provided always, That nothing in this Act contained, shall extend to His Royal Highness the Duke of York.

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